

Filed for intro on 01/29/2001
HOUSE BILL 138 By
Overbey

SENATE BILL 35
By Clabough

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10 and Title 55, Chapter 50, relative to the offenses of driving under the influence of an intoxicant and adult driving while impaired.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-401(a)(2), is amended by deleting the language "ten one hundredths of one percent (.10%)" and by substituting instead the language "eight-hundredths of one percent (.08%)".

SECTION 2. Tennessee Code Annotated, Section 55-10-406(f), is amended by deleting the language "or adult driving while impaired under § 55-10-418".

SECTION 3. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-408. For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 4. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-418. (a) Effective July 1, 2001, the offense of adult driving while impaired is repealed.

(b) Nothing in subsection (a) of this section shall be construed to prohibit the use of any conviction for the offense of adult driving while impaired that occurred prior to July 1, 2001, for any of the purposes set out in Tennessee Code Annotated §§ 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), 55-10-403(g)(2), 55-10-403(o), 55-10-406(a)(3)(A), 55-10-603(2)(A)(x) and 55-50-502(c)(3)(ii).

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.